SINGLE BENCH

CF/OL

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. (C) NO. 96 /2006

PETITIONER : Manoharlal Patel S/o. Balram Patel, Caste- Aghariya, aged about 48 Years, Resident of village Ankira, P.C. No.33, R.I. Circle Tapkara, Tahsil Kunkuri, Distt. Jashpur (C.G.)

C.R. No. 262436
Presented by Shri Roop Narayan
20/12/06

VERSUS

RESPONDENTS :1. The Board of Revenue Through : Chairman, Board of Revenue, Chhattisgarh Bilaspur.

2. The District Collector District Jashpur (C.G.).

3. Sarpanch/Secretary Gram Panchayat Ankira, District Jashpur (C.G.)

OATH COMMISSIONER APARNA MALVIYA CG 18/12/06 Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(37)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C) No. 96/07 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.1.2007 Mr. R. Pradhan, Advocate for the petitioner. Heard. This petition is directed against the order dated 31.10.2006 (Annexure P-1) passed by the Board of Revenue whereby the revision petition preferred by the petitioner herein against the order of the Collector dated 9.10.2004 has been dismissed. Learned counsel for the petitioner submits that respondent No.3 has selected the site for construction of Panchayat Bhawan, which is a grass land reserved for the purpose of burial and also adjacent to the house of the petitioner. It is the further case of the petitioner that no construction can be carried out on a grass land without diverting the user and by the proposed construction the easementary right of the petitioner is likely to be affected. However, the Collector vide order dated 8.10.2004 (Annexure P-2) set aside the stay order earlier granted in favour of the petitioner and the same has been upheld by the Board of Revenue. I have heard learned counsel for the petitioner and perused the impugned order. It is not in dispute that the construction in question is proposed on the government land, though the same is a grass land.	

P.T.O.

XI-HC-78

(38)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	So far as the objection of the petitioner that the construction is being permitted without change of user is concerned, it is open for the revenue authorities to take appropriate steps under Section 237 (2) of the Land Revenue Code for the purpose of change of user, as the construction in question is admittedly for the public purpose. Other objection taken by the petitioner is that by the construction of said Panchayat Bhawan, the easementary right of the petitioner is likely to be affected is concerned, it is open to the petitioner to take recourse under the law to establish his right under the easementary right before the competent court. There is no jurisdictional error in passing the impugned order calling for the interference by this Court under Article 227 of the Constitution of India. The petition being devoid of substance liable to be dismissed and the same is dismissed in limine. Sd/- Dhirendra Mishra Judge	

Roshan/-